

AMENDED IN ASSEMBLY APRIL 10, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1512

Introduced by Assembly Member Cohn

February 21, 2003

~~An act to add Section 8819.5 to the Education Code, relating to arts education. An act to repeal Chapter 5 (commencing with Section 8810) of Part 6 of the Education Code, to add an Article heading to, to add Article 2 (commencing with Section 8757.10), Article 3 (commencing with Section 8758.10), Article 4 (commencing with Section 8758.50), and Article 5 (commencing with Section 8758.70) to Chapter 9 (commencing with Section 8750) of Division 1 of Title 2 of, the Government Code, relating to arts education.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1512, as amended, Cohn. Arts education.

~~Existing~~

(1) Existing law establishes the Arts Council and sets forth the duties of the council in promoting the arts in the state.

This bill would establish several programs to be administered by the Arts Council, including the Demonstration Sites Program, the Exemplary Arts Education Program, and the Arts Partnership in Education Program.

(2) Existing law, to be repealed on January 1, 2008, establishes the Local Arts Education Partnership Program to provide grants to local arts agencies, including school districts, to develop a locally based approach to the improvement of arts education in the public schools.

Existing law provides that the program shall be funded from the sale of certain vehicle license plates.

This bill would revise and recast those provisions.

~~This bill would provide that a school district or county office of education that receives grant funds under the program is ineligible for funding from the Local Arts Education Program administered by the State Department of Education.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 ~~SECTION 1. — Section 8819.5 is added to the Education Code,~~
2 *SECTION 1. The Legislature finds and declares all of the*
3 *following:*
4 (i) *The arts are a necessary and required component of the*
5 *curriculum in the California public school system.*
6 (ii) *Evaluation has shown that the arts are not only a valuable*
7 *subject matter content in themselves, but they may also contribute*
8 *to learning in other subject areas.*
9 (iii) *The arts have been successfully used to improve pupil*
10 *behavior, self concept, respect for other pupils, attendance, and*
11 *many other behaviors that contribute greatly to the total education*
12 *of our youth.*
13 (iv) *The arts have not been rigorously evaluated because they*
14 *are not part of annual statewide tests.*
15 (v) *Best program practices have not been developed for the*
16 *arts.*
17 (vi) *The Arts Council, by utilizing artists and arts organizations,*
18 *and the State Department of Education, by using classroom*
19 *teachers and subject matter specialists, should make available*
20 *additional statewide resources to assist schools in delivering*
21 *quality arts education to our public schools.*
22 (vii) *The Legislature recognizes that arts education should be*
23 *the responsibility of local school districts and county offices of*
24 *education through their use of Proposition 98 funding, and it is the*
25 *intent of the Legislature that the programs contained in this act are*
26 *ancillary to local programs that are funded and designed by local*
27 *schools.*

1 *SEC. 2. Chapter 5 (commencing with Section 8810) of Part 6*
2 *of the Education Code is repealed.*

3 *SEC. 3. An article heading is added, immediately preceding*
4 *Section 8750, to Chapter 9 (commencing with Section 8750) of*
5 *Division 1 of Title 2 of the Government Code, to read:*

6
7 *Article 1. Arts Council*
8

9 *SEC. 4. Article 2 (commencing with Section 8757.10) is*
10 *added to Chapter 9 of Division 1 of Title 2 of the Government Code,*
11 *to read:*

12
13 *Article 2. Arts Education*
14

15 8757.10. *The Legislature finds and declares all of the*
16 *following:*

17 (i) *There is a need to include the arts in the school curriculum*
18 *as a means of improving the quality of education offered in*
19 *California's public schools and reinforcing basic skills,*
20 *knowledge, and understanding.*

21 (ii) *The use of community arts resources, including professional*
22 *artists, is one of several means of expanding teacher skills and*
23 *knowledge in the uses of art, and contributes to the development*
24 *of a comprehensive curriculum.*

25 (iii) *The Exemplary Arts Education Program, as previously*
26 *operated pursuant to Chapter 1258 of the Statutes of 1980, was a*
27 *proven means of strengthening instruction in arts education in the*
28 *public schools, and should, therefore, be replicated in other school*
29 *districts and counties of the state.*

30 (iv) *The objective of the Local Arts Education Partnership*
31 *Program is to develop a locally based approach to the*
32 *improvement of arts education by using existing community arts*
33 *resources in a planned and coordinated way to strengthen basic*
34 *arts skills and knowledge in the public schools.*

35 (v) *The "Local Arts Education Partnership Program" is a*
36 *collaboration among arts educators, parents, artists, and arts*
37 *organizations based on a unifying set of concepts and principles*
38 *contained in the California Compact for Arts Education.*

39 8757.15. *As used in this article, the following terms have the*
40 *following meanings:*

1 (a) “Arts” includes the four disciplines of dance, drama and
2 theatre, music, and visual arts as set forth in the state’s adopted
3 curriculum framework for visual and performing arts as published
4 by the State Department of Education in the Visual and Performing
5 Arts Framework for California Public Schools: Kindergarten
6 through Grade Twelve, and may also include community support
7 for the various other art forms, including folk art, film, video, the
8 writing of plays, poetry, and scripts.

9 (b) “Arts specialist” means a trained and certificated teacher
10 retained by a school district to administer, coordinate, or deliver
11 arts instruction, develop curriculum, or assist in staff development
12 of other teachers at the primary and secondary levels.

13 (c) “Local arts agency” means any of the following:

14 (1) any agency that is a participant in the state-local
15 partnership program operated by the Arts Council.

16 (2) Any organization that is based in this state, is defined by the
17 National Association of Local Arts Agencies as a local arts agency,
18 and meets both of the following criteria:

19 (A) Is a nonprofit community organization or an agency of city
20 or county government.

21 (B) Has, as its primary function, the provision of financial
22 support, services, or other programs for arts organizations or
23 individual artists, and for the community as a whole.

24 (d) “Local education agency” means any school district or
25 county office of education that elects to participate in the Local
26 Arts Education Partnership Program on an individual basis or in
27 consortia.

28 8757.20. Any local arts agency is eligible to participate in the
29 Local Arts Education Partnership Program if the agency agrees
30 to provide local matching funds for the proposed arts education
31 program as specified in Section 8757.25. In addition, while the
32 agency may apply for funding for the proposed arts education
33 program for any fiscal year for which state funding is available for
34 the program, the agency agrees, as a condition to receiving any
35 state funds for the program for the 1994–95 fiscal year, to
36 additionally provide local funding for the program in the 1995–96
37 fiscal year, or the 1996–97 fiscal year, or both, at the levels of
38 funding specified in Section 8757.35.

39 8757.25. (a) Each eligible local arts agency may apply for a
40 grant of up to one hundred thousand dollars (\$100,000) per year

1 *for the development, implementation, and review of an arts*
2 *education program. Each grant application shall be preceded by*
3 *a letter of intent to file that application submitted by the local arts*
4 *agency on or before the January 1 immediately preceding the fiscal*
5 *year for which grant funding is requested. Each eligible local arts*
6 *agency shall include in its letter of intent an authorization to make*
7 *application to this program from the county board of supervisors*
8 *if the agency is a county agency or designated by the county board*
9 *of supervisors, or from the city council if the agency is an agency*
10 *of the city or is designated by the city. If the local arts agency is*
11 *neither designated by, nor a department of, either city or county*
12 *government, then it shall include authorization by its board of*
13 *trustees authorizing the agency to make application under this*
14 *program.*

15 *(b) Each grant application shall include, but not be limited to,*
16 *all of the following:*

17 *(1) A plan for the proposed arts education program that meets*
18 *all of the following criteria:*

19 *(A) The plan has been approved by resolution of the governing*
20 *board of each participating school district or by the county board*
21 *of education.*

22 *(B) The plan includes an assessment of the needs of public*
23 *schools included in the partnership located within the jurisdiction*
24 *of the local arts agency that is consistent with the guidelines for*
25 *those assessments developed by the State Department of*
26 *Education in consultation with the Arts Council. The plan shall*
27 *evidence appropriate participation by local citizens that are*
28 *representative of the ethnic and cultural composition of the county.*

29 *(C) The plan shall describe a comprehensive arts education*
30 *program that conforms to the tenets of the state's adopted*
31 *curriculum framework for visual and performing arts as published*
32 *by the State Department of Education in the Visual and Performing*
33 *Arts Framework for California Public Schools: Kindergarten*
34 *through Grade 12, and shall include instruction in the four*
35 *disciplines of dance, drama and theatre, music, and the visual arts*
36 *for all pupils. The plan may also include other arts disciplines,*
37 *including folk arts, film, video, and the writing of plays, scripts,*
38 *and poetry.*

39 *(D) The plan proposes the use of community arts resources,*
40 *including, but not limited to, professional artists, arts specialists,*

1 performing artists and companies, museums, nonprofit art
2 galleries, institutions of higher education, resident artists
3 organizations, and any program of the local arts agency or general
4 community resources that provide arts education services,
5 instruction, workshops, performances, or demonstrations.

6 (E) The plan provides for a local steering committee comprised
7 of not less than 10, nor more than 13, members selected from
8 professional artists, arts educators, administrators, teachers, arts
9 organizations, school board members, and other citizens, to
10 include the following members reflecting a balance between the
11 education and the arts communities:

12 (i) One representative of the local arts agency.

13 (ii) Two professional artists.

14 (iii) One representative of a local educational agency.

15 (iv) Two teachers, including one from the local educational
16 agency.

17 (v) Two arts specialists.

18 (vi) One community representative at large.

19 (vii) One representative of an institution of higher education,
20 who shall be either a faculty member in the visual and performing
21 arts or arts education or have had prior experience in these two
22 areas.

23 (F) The plan describes school needs, program goals, and a
24 process for screening community arts resources. The fiscal
25 procedures and pay rates shall be in accordance with standards
26 established by the Arts Council. Any of the community arts
27 resources described in subparagraph (D) shall be eligible for a
28 program grant if it demonstrates high quality arts performance,
29 production, or instruction.

30 (G) The plan shall include an appropriate orientation for
31 artists and teachers in participating schools.

32 (H) The plan shall include a staff development program which
33 accounts for at least 10 percent of the overall budget for the plan,
34 but not more than 20 percent of the overall budget for all public
35 school teachers participating in the California Arts Project, as
36 established pursuant to Chapter 5 (commencing with Section
37 99200) of Part 65 of the Education Code. For the purposes of this
38 paragraph, a teacher is participating in the program if he or she
39 instructs a class that will have more than 10 hours of direct contact
40 with a community arts representative.

1 (I) The plan shall include a description of how funding for the
2 staff development programs described in subparagraph (H) shall
3 be used in providing services to teachers. The local education
4 agency shall use the services of the California Arts Project
5 established pursuant to Chapter 5 (commencing with Section
6 99200) of Part 65 of the Education Code and shall consult with at
7 least one of the following entities in developing the staff
8 development plans: a county office of education, an arts agency,
9 an arts provider, a professional arts association, or an institution
10 of higher education.

11 (J) The plan shall also assess the arts education of homeless
12 children, children with special needs, children at risk, school
13 dropouts, and the children of migrant workers who may not be
14 attending class regularly. It is the intent of the Legislature that
15 special supplementary funds, not to exceed 10 percent of the total
16 state dollars, shall be appropriated for this purpose. Arts
17 education delivered pursuant to this paragraph shall be exempt
18 from the matching requirements described in Section 8757.35.

19 (2) A proposed budget for expenditure of the grant, which shall
20 be submitted on a form developed by the Arts Council for that
21 purpose.

22 (3) A section demonstrating how the proposal furthers the
23 implementation of the model curriculum standards set forth in
24 Section 51226 of the Education Code, the Visual and Performing
25 Arts Framework for California Public Schools: Kindergarten
26 through Grade Twelve published by the State Department of
27 Education, or the implementation or operation of specialized
28 secondary programs pursuant to Chapter 6 (commencing with
29 Section 58800) of Part 31 of the Education Code.

30 (4) A section designating the source of all local matching funds,
31 as described in Section 8757.35.

32 8757.30. If no local arts agency within the jurisdiction of a
33 local education agency submits, on or before the January 1
34 immediately preceding the fiscal year for which grant funding is
35 requested, a letter of intent to file an application for grant funding,
36 an application for grant funding for that fiscal year may be filed
37 instead by that local education agency in conjunction either with
38 a nonprofit arts organization having a history of delivering arts
39 services to the local education agency, including, for example, the
40 Music Center of Los Angeles County/education division, the

1 *Performing Tree of Los Angeles, the Getty Center for Education*
2 *in the Arts, or LEAP of San Francisco, the San Diego Institute for*
3 *Arts Education, or with any campus of the California State*
4 *University or the University of California. Any local education*
5 *agency filing a grant application pursuant to this section shall be*
6 *required to comply with any applicable provision of this article*
7 *governing grant applications.*

8 8757.35. (a) *Local matching funds are funds provided to*
9 *match grant moneys received pursuant to this chapter on a*
10 *one-to-one dollar basis for the 1994–95 fiscal year, a three-to-two*
11 *dollar basis in the 1995–96 fiscal year, and a two-to-one dollar*
12 *basis in the 1996–97 fiscal year and in any subsequent year of the*
13 *program, from any of the following sources:*

14 (1) *Any funds under the control of the local arts agency,*
15 *regardless of the source.*

16 (2) *Any funds under the budgetary authority of the local*
17 *educational agency, regardless of the source. Up to 25 percent of*
18 *these local educational agency funds may be in the form of in-kind*
19 *goods and services.*

20 (3) *Any money donated to the local arts agency for program*
21 *purposes by any foundation, corporation, business, individual, or*
22 *nonprofit group.*

23 (b) *No more than 50 percent of local matching funds may be*
24 *received, as a total, from paragraphs (1) and (3) of subdivision (a)*
25 *for the 1994–95 fiscal year, no more than 33 percent for the*
26 *1995–96 fiscal year, and no more than 25 percent for the 1996–97*
27 *fiscal year and for any subsequent year of the program.*

28 8757.40. *The State Department of Education shall do all of*
29 *the following:*

30 (a) *Develop plan guidelines in consultation with the Arts*
31 *Council.*

32 (b) *Utilize not more than 7 percent of total program funds for*
33 *the administrative costs of implementing this chapter.*

34 (c) *Send one copy of plan guidelines and necessary application*
35 *forms, including the budget form developed pursuant to*
36 *subdivision (b) of Section 8757.25 to each school district and*
37 *county office of education, together with a list of appropriate local*
38 *arts agencies.*

39 (d) *Contract with local education agencies to implement*
40 *programs pursuant to this article.*

1 8757.45. *The Arts Council shall do all of the following:*

2 (a) *Develop and distribute the necessary application forms to*
3 *each local arts agency. The distribution shall include, but not be*
4 *limited to, the budget form developed pursuant to paragraph (2)*
5 *of subdivision (b) of Section 8757.25, and at least two copies of the*
6 *plan guidelines to each local arts agency. One copy shall be*
7 *addressed to the local arts agency, and one copy shall be addressed*
8 *to the chief executive officer of the county board of supervisors or*
9 *city council, as appropriate.*

10 (b) *Receive and disburse funds pursuant to this article.*

11 (c) *Provide information or assistance to any local arts agency*
12 *as necessary to implement the purposes of this article.*

13 (d) *Establish a peer review panel, in consultation with the State*
14 *Department of Education, to review and rank plans submitted*
15 *under Section 8757.25, from most deserving to least deserving.*
16 *Plans of equal merit shall be ranked according to criteria*
17 *established by the Arts Council to ensure an appropriate balance*
18 *of urban and rural representation. The peer review panel shall be*
19 *representative of professional artists, arts organizations, arts*
20 *educators, teachers, school administrators, and school board*
21 *members, and shall include the following members:*

22 (1) *One representative of the Arts Council.*

23 (2) *One representative of the State Department of Education.*

24 (3) *One representative of a local arts agency.*

25 (4) *One representative from an institution of higher education.*

26 (e) *Utilize not more than 7 percent of the total program funds*
27 *for administrative costs of implementing this article.*

28 8757.50. *The Arts Council and the State Department of*
29 *Education shall enter into an interagency agreement to administer*
30 *this program, which shall implement the duties outlined in*
31 *Sections 8757.40 and 8757.45 and which shall include criteria for*
32 *the plan guidelines developed pursuant to subdivision (a) of*
33 *Section 8757.35, to include, but not be limited to, the following*
34 *items:*

35 (a) *The quality of the arts program proposed in the plan,*
36 *including the quality and excellence of the artists and community*
37 *arts resources.*

38 (b) *The experience of the teachers selected to participate in the*
39 *program, including their arts background and familiarity with arts*
40 *curriculum and successful implementation of the arts curriculum.*

1 (c) *The maximum use of the staff development resources of both*
2 *the California Arts Project and the community resources described*
3 *in the plan. If the California Arts Project cannot provide any*
4 *resources to participating districts or schools pursuant to*
5 *subparagraph (I) of paragraph (1) of Section 8757.25, no plan*
6 *shall be penalized for failing to include the Arts Project in their*
7 *staff development plan.*

8 (d) *The degree of sponsor support for schools or local arts*
9 *agencies in meeting the required match in either cash or in-kind*
10 *contributions.*

11 (e) *The degree to which the plan involves members of the*
12 *cultural and ethnic composition of participating school*
13 *populations.*

14 (f) *The degree to which existing site or district personnel are*
15 *utilized in this program, including arts specialists.*

16 (g) *The degree to which the plan addresses how the program*
17 *can be assessed pursuant to Article 1 (commencing with Section*
18 *60600) of Chapter 5 of Part 33 of the Education Code.*

19 8757.55. *The local education agency shall do all of the*
20 *following:*

21 (a) *Provide for the scheduling of the arts education program in*
22 *the schools, primarily during the regular schoolday.*

23 (b) *Provide necessary facilities and materials.*

24 (c) *Designate an appropriate person to serve as art project*
25 *coordinator.*

26 (d) *Provide one day of orientation and a minimum of two hours*
27 *per month of in-service training for each participating teacher.*

28 (e) *Provide the local matching funds as required in Section*
29 *8757.35.*

30 (f) *Agree not to supplant existing personnel employed by the*
31 *local education agency, and provide that no grant funds received*
32 *shall be used to pay salaries of personnel or other costs of arts*
33 *education programs being provided by the district or county office*
34 *at the time of the receipt of the grant funds or to otherwise supplant*
35 *federal, state, or local funds being expended on arts education*
36 *programs by the district or county office.*

37 (g) *Provide assistance in any orientation of artists prior to their*
38 *assignment to classrooms, as may be deemed appropriate by the*
39 *project coordinator and the local arts agency.*

(h) *Contract with local arts agencies to implement programs pursuant to this article.*

8757.60. *It is the intent of the Legislature that this article and the Local Arts Education Partnership Program not be financed through an appropriation from the General Fund. This article shall be funded with funds made available under Article 8.4 (commencing with Section 5060) of Chapter 1 of Division 3 of the Vehicle Code, as added by Assembly Bill 3632 of the 1991–92 Regular Session, in an amount proposed annually by the Arts Council for inclusion in the state Budget Act. That appropriation of funds shall be made in the first fiscal year that three hundred thousand dollars (\$300,000) accrues to the Graphic Design License Plate Account of the General Fund established pursuant to that article.*

8757.65. *This article shall remain in effect only until January 1, 2008, and, as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2008, deletes or extends that date.*

SEC. 5. *Article 3 (commencing with Section 8758.10) is added to Chapter 9 of Division 1 of Title 2 of the Government Code, to read:*

Article. 3. Demonstration Sites Program

8758.10. *There is hereby established in the Arts Council the Demonstration Sites Program to be administered by the Arts Council for the purposes of developing standards-based arts education programs that improve pupil performance, the classroom environment, and the ability of teachers to teach arts. Projects shall be selected for the program based on the following criteria:*

(a) *The quality of the local evaluation component of the project. The local evaluation shall be based upon data from each site using contemporary standards of scientific research and an outside local evaluator.*

(b) *The degree to which the applicant can demonstrate that a learning hypothesis is true. The hypothesis should clearly state how projects in the arts disciplines, including, but not limited to dance, drama, theater, music, visual art, the writing of poetry,*

1 *plays or fiction, or digital media arts, have measurable impacts in*
2 *the following areas:*

3 (1) *Cognitive domain, including, but not limited to learning in*
4 *the arts or other subject areas taught through the use of arts and*
5 *integrated with academic subject content as measured by tests, the*
6 *Academic Performance Index (API), or other established means*
7 *of measuring pupil learning.*

8 (2) *Affective domain, including, but not limited to*
9 *improvements in pupil behavior, self-concept, self-esteem,*
10 *attendance, concentration, and participation in the arts as*
11 *measured by standardized tests for each behavior, teacher*
12 *observation, or other measurements developed by the Statewide*
13 *Evaluation Team established pursuant to 8758.20.*

14 (c) *The degree to which the arts are integrated into other*
15 *subject areas.*

16 (d) *A district policy that clearly apportions reasonable*
17 *instruction time for the projects.*

18 (e) *The use of qualified artists or arts organizations as*
19 *determined by a peer panel of no less than five experts in education*
20 *and the arts established by the Arts Council.*

21 (f) *The ability of regular classroom instructors to teach the arts*
22 *as a core subject based upon the Visual and Performing Arts*
23 *Content Standards and other appropriate standards for poetry or*
24 *media arts that may not be included in the visual and performing*
25 *arts.*

26 (g) *The quality of the local evaluation plan.*

27 (h) *The commitment of participating schools, including, but*
28 *not limited to the use of professional staff development.*

29 8758.15. (a) *The Demonstration Sites Program shall be*
30 *evaluated at the state level by a Statewide Evaluator with at least*
31 *five years of experience evaluating arts education programs at the*
32 *statewide level including programs with a community arts*
33 *component. If the Arts Council receives more than one qualified*
34 *bid, it shall select the Statewide Evaluator based upon all of the*
35 *following criteria:*

36 (1) *Understanding of contemporary standards of scientific*
37 *investigation.*

38 (2) *Quality of the evaluation plan.*

39 (3) *Ability to work with local evaluators.*

1 (4) Ability to understand the Visual and Performing Arts
2 Content Standards as well as other core academic subjects

3 (5) A three year history of providing technical assistance to
4 grantees of similar programs.

5 (6) Cost-effectiveness of the proposal.

6 (7) The quality of the proposed staff of the evaluation team.

7 (b) The statewide evaluation shall be funded at a level that is
8 at least equal to 10 percent of the total amount of grants awarded
9 pursuant to this article.

10 8758.20. (a) The Arts Council, in consultation with the
11 Statewide Evaluator shall convene a Statewide Evaluation Team
12 that will analyze and develop appropriate instruments, to be
13 approved by the Arts Council, for use in determining the impacts
14 of the program on the cognitive and affective domain of
15 participating pupils.

16 (b) The Statewide Evaluation Team shall be comprised of no
17 less than five recognized educational evaluators and research
18 evaluators. The Statewide Evaluation Team shall meet twice
19 yearly to design the evaluation instruments and assist the
20 Statewide Evaluator in analyzing evaluation reports from each
21 project site.

22 8758.25. (a) A local evaluation shall be performed annually
23 by a local evaluator using criteria established by the Statewide
24 Evaluation Team in consultation with the Statewide Evaluator. The
25 local evaluator shall collect and analyze the data collected at
26 project sites with the assistance of appropriate site staff, including,
27 but not limited to artists, arts administrators, teachers, and
28 principals.

29 (b) The local evaluators may use any additional instruments
30 that the site project may require and shall report to the Arts Council
31 on the progress of each site no later than August 1 of each year.

32 (c) The local evaluator shall be allocated between 10 and 15
33 percent of the total site cost for each grant.

34 (d) The Arts Council may remove a local evaluator if he or she
35 does not utilize, collect or analyze data in a manner prescribed by
36 the Statewide Evaluator.

37 (e) On or before January 1 of each year, the Arts Council and
38 the Statewide Evaluator shall submit a joint evaluation report to
39 the Assembly Committee on Arts, Entertainment, Sports, Tourism
40 and Internet Media and the Joint Committee on the Arts.

1 8758.30. (a) *The Arts Council may require the grantee to*
2 *provide matching funds in cash or resources.*

3 (b) *On or before August 15 of each year, the Arts Council shall*
4 *submit a budget request to the Governor to request funding for the*
5 *purposes of this article.*

6 8758.35. *The Arts Council may utilize any appropriate*
7 *funding source available to them, including but not limited to*
8 *general fund appropriations, federal funds, arts specialty license*
9 *plate funds, or private donations by corporations or foundations.*

10 8758.40. *The projects selected pursuant to this article shall*
11 *have contracts of no less than three years and shall be dependent*
12 *on the availability of funds through the annual Budget Act.*

13 SEC. 6. *Article 4 (commencing with Section 8758.50) is*
14 *added to Chapter 9 of Division 1 of Title 2 of the Government Code,*
15 *to read:*

16
17 *Article. 4. Exemplary Arts Education Program*
18

19 8758.50. *There is hereby established in the Arts Council the*
20 *Exemplary Arts Education Program to be administered by the Arts*
21 *Council for the purpose of developing the capacity of arts*
22 *organizations and artists with high quality arts education*
23 *programs. Participants shall demonstrate a high quality*
24 *comprehensive sustained and replicable service to the schools*
25 *based on the value of the program to the school, community or arts*
26 *organization. Projects shall be selected for the program based on*
27 *the following criteria:*

28 (a) *Ability to implement a quality arts education program.*

29 (b) *The degree to which the program is standards based.*

30 (c) *The quality of the school staff, including teachers, district*
31 *administrators, and site administrators.*

32 (d) *An arts education policy adopted by the local education*
33 *agency.*

34 (e) *Capacity to deliver a high quality program.*

35 (f) *Yearly evidence that the program has added public value to*
36 *a school and local community using criteria established by the Arts*
37 *Council and the Arts Marketing Institute, a project of the Arts*
38 *Council.*

39 (g) *The quality of parent outreach and participation.*

40 (h) *The quality of a visibility plan.*

1 (i) Whether matching funds are provided by the school being
2 served or through any available district or county education funds
3 or any other funding source deemed appropriate by the Arts
4 Council on a one-to-one dollar basis.

5 (j) Whether the program is primarily implemented during
6 regular school hours.

7 8758.55. The Arts Council may utilize any appropriate
8 funding source available to them, including, but not limited to
9 general fund appropriations, federal funds, arts specialty license
10 plate funds, private donations by corporations or foundations or
11 any other funds made available to the Arts Council that they deem
12 appropriate.

13 8758.60. (a) The Arts Council, in consultation with the
14 Department of Education, shall establish guidelines for grant
15 distribution.

16 (b) Grants awarded pursuant to this article shall be approved
17 in open public meetings of the Arts Council. The contracts shall be
18 exempt from Department of General Service review if the grant is
19 for less than fifty thousand dollars (\$50,000) annually and is
20 funded through the process established in this article.

21 8758.65. On or before January 1 of each year, the Arts
22 Council shall submit an report to the Assembly Committee on Arts,
23 Entertainment, Sports, Tourism and Internet Media that provides
24 data on the scope and impact of the Exemplary Arts Education
25 Program.

26 SEC. 7. Article 5 (commencing with Section 8758.70) is
27 added to Chapter 9 of Division 1 of Title 2 of the Government Code,
28 to read:

29
30 Article 5. Arts Partnership in Education Program
31

32 8758.70. (a) There is hereby established in the Arts Council
33 the Arts Partnership in Education Program to be administered by
34 the Arts Council for the purpose of encouraging local businesses
35 and corporations, and other noneducation local agencies,
36 including, but not limited to youth-at-risk, crime prevention, or
37 criminal diversion programs to contribute to the development of
38 a quality arts education program centered at a schoolsite. The Arts
39 Partnership in Education Program shall consist of the following
40 membership:

1 (1) *An arts education organization or visual, performing or*
2 *media arts nonprofit corporation with a track record of delivering*
3 *a high quality arts education program.*

4 (2) *A community partner. The partner may be a business, a*
5 *foundation, including, but not limited to, a school foundation, a*
6 *corporation, or other public agency that is locally based and is*
7 *able to partner with a public school in California. Preference shall*
8 *be given to applications with partners in the architecture, high*
9 *technology, cultural tourism, or entertainment industries.*

10 (3) *A schoolsite that is committed to the devotion of consistent*
11 *instructional time in the arts to provide linkages to learning in the*
12 *visual, performing, and media arts and other content areas*
13 *utilizing the arts as a pedagogic tool based upon state standards*
14 *in each curriculum area.*

15 (b) *The Arts Council shall determine the scope of the program*
16 *based upon the availability of funds in the annual Budget Act.*

17 8758.75. *The projects funded pursuant to this article shall*
18 *include an effective visibility plan and require a three year*
19 *commitment of one-to-one matching funds by the school and an*
20 *equal commitment of funds from the community.*

21 8758.80. (a) *The Arts Council shall select an evaluator with*
22 *experience evaluating arts education programs and a system for*
23 *evaluating the impact of the program to periodically evaluate the*
24 *Partnership in Education Program.*

25 (b) *The evaluation shall include an analysis of all of the*
26 *following:*

27 (1) *The effectiveness of the program in maximizing private*
28 *support for arts education in the community.*

29 (2) *The effectiveness of the program's visibility component*

30 8758.85. *The program shall be evaluated yearly by an outside*
31 *evaluation contractor that meets the criteria listed in Section*
32 *8758.22.*

33 8758.90. *The Arts Council shall seek statewide partnerships*
34 *with industries, including, but not limited to high technology or*
35 *entertainment industries to support a pool of private funds the*
36 *schools could apply for to fund the arts education program.*

37 8758.95. *Grants awarded pursuant to this article shall be*
38 *approved in open public meetings of the Arts Council. The grants*
39 *shall be exempt from Department of General Services review if the*
40 *grant is for less than one hundred thousand dollars (\$100,000)*

1 *annually and is funded through the process established in this*
2 *article.*

3 8758.97. *The Assembly Committee on Arts, Entertainment,*
4 *Sports and Internet Media may require periodic reports from the*
5 *Arts Council at its discretion.*

6 ~~to read:~~

7 ~~8819.5.—Any local education agency that receives grant funds~~
8 ~~pursuant to this chapter shall be ineligible for funding from the~~
9 ~~Local Arts Education Program that is administered by the State~~
10 ~~Department of Education.~~

